

REMARKS

Claims 7-34 are currently pending in this application. By this amendment, Claim 7 and 22 have been amended and Claims 15 and 28 have been rewritten in independent form. In view of the amendments above and the remarks to follow, reconsideration and allowance of this application are respectfully requested.

In the Office Action, Claims 7-14, 18-27 and 30 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 4,935,013 to Haber et al. ("Haber"). Haber discloses a collapsible needle cover 60 shown in FIG. 9 reproduced below including a needle cannula 62 and a needle supporting hub 64. Needle cover 60 includes distally and proximally oriented pairs of needle cover segments 68 and 70 which are hingedly connected with intermediate needle cover segments 72. Needle cover segments 68, 70 and 72 are adapted to pivot relative to each other when needle cover 60 is moved between closed and open configurations. A pair of motion transferring arms 80 project outwardly and in opposite directions from needle cover segments 70. Arms 80 can be moved in the direction of arrows 82 to cause the arms to rotate, whereby the proximal, distal and intermediate cover segments 68, 70 and 72 are pivoted about their respective hinges to move needle cover 60 to the open, expanded configuration. A locking catch 86 extends from a cover segment 70 and is received in a notch 88 formed in a distal cover segment 68 to retain cover 60 in its open, expanded configuration. See FIG. 10 reproduced below.

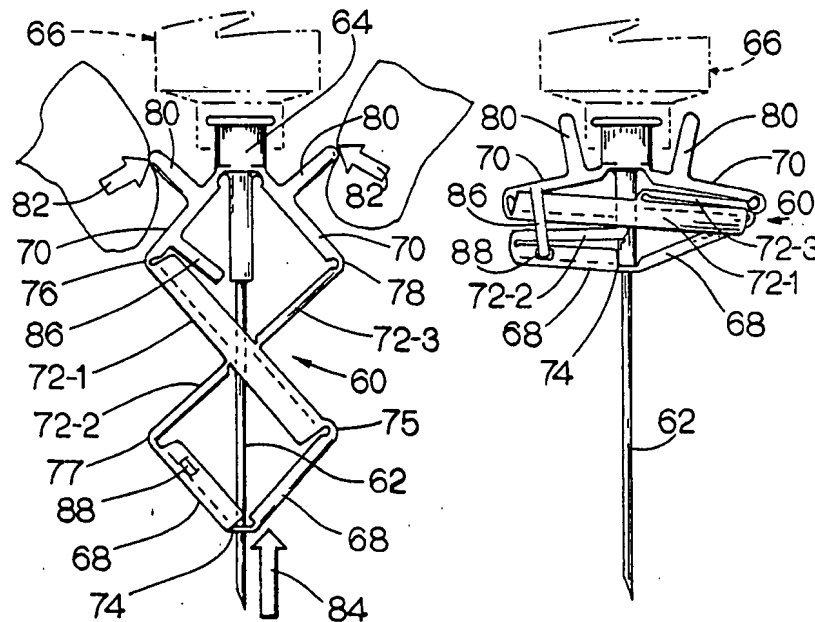


FIG 9

FIG 10

Claim 7 as amended recites a safety device comprising a needle receiving portion, a sheath portion including first and second legs, the first and second legs having proximal ends supported by the needle receiving portion and distal ends spaced from the needle receiving portion, the first and second legs being movable from a first position in which the distal ends of the first and second legs are spaced from the needle receiving portion a first distance to a second position in which the distal ends of the first and second legs are spaced from the needle receiving portion a second distance, wherein the first distance is greater than the second distance, and a trigger supported adjacent to the proximal ends of the first and second legs, wherein the trigger is movable into sliding engagement with the first and second legs to move the first and second legs from the first position to the second position.

Applicants respectfully submit that Claim 7 is patentable over Haber. More specifically,

Claim 7 recites “a trigger...movable into sliding engagement with the first and second legs to move the first and second legs from the first position to the second position.” Haber does not disclose or suggest such a trigger. Rather, Haber’s motion transferring arms 80 are rigidly attached to proximal cover segments 70 such that movement of arms 80 effect direct movement of segments 70. Segments 70 are hingedly attached to segments 72 to translate movement of segments 70 to segments 72. Further, element 86, identified by the Examiner as part of the “trigger”, is actually a locking catch. Neither, arms 80, segments 70 nor locking catch 86 are moved into sliding engagement with the cover segments to move the cover to its open, expanded configuration as recited in Claim 7. As such, Applicants believe that Claim 7 patentably defines over Haber and is in condition for allowance.

Claim 22 recites a safety device comprising a needle receiving portion, a sheath portion extending distally from the needle receiving portion, the sheath portion including first and second legs, and a trigger supported adjacent to a proximal end of the first and second legs, wherein the sheath portion is movable from an extended position in which the first and second legs shield a distal end of a needle positioned within the needle receiving portion to a primed position in response to movement of the trigger into sliding engagement with the first and second legs, wherein the sheath portion is configured such that in the extended position a longitudinal force acting on a distal end of the sheath portion maintains the sheath portion in the extended position and in the primed position a longitudinal force acting on the distal end of the sheath portion urges the sheath portion to a retracted position in which the distal end of the needle is exposed. As discussed above with regard to Claim 7, Neither Haber’s arms 80, segments 70, nor locking catch 86 is movable into sliding engagement with the cover segments to effect movement of the cover

segments in any way. In contrast, Haber's arms are directly attached to the proximal cover segments such that movement of Haber's arms 80 directly effect movement of the cover segments. As such, Haber's cover segments are not movable in response "to movement of the trigger into sliding engagement with the first and second legs..." such as recited in Claim 22. For at least this reason, Applicants believe that Claim 22 patentably defines over Haber and is in condition for allowance.

Claims 8-14 and 18-21 depend from Claim 7 and Claims 23-27 and 30 depend from Claim 22. For at least the reasons discussed above with respect to Claims 7 and 22, inter alia, Applicants believe that Claims 8-14, 18-21, 23-27 and 30 are in condition for allowance.

Claims 15 and 28 were objected to by the Examiner as being dependent upon a rejected base claim but were indicated to be allowable if rewritten in independent form. Claims 15 and 28 have been rewritten in independent form. Accordingly, Applicants believe that Claims 15 and 28 and Claims 16, 17 and 29 which depend therefrom, are also in condition for allowance.

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims pending in this application, namely Claims 7-34, are in condition for allowance. Should the Examiner feel that a telephone or personal interview may facilitate resolution of any remaining matters, he is respectfully requested to contact Applicant's attorney at the number indicated below.

CARTER, DELUCA, FARRELL & SCHMIDT, LLP
445 Broad Hollow Road - Suite 225
Melville, New York 11747
(631) 501-5700
(631) 501-3526 (fax)

Respectfully submitted,

Christopher G. Trainor

Christopher G. Trainor
Reg. No. 39,517
Attorney for Applicant(s)